

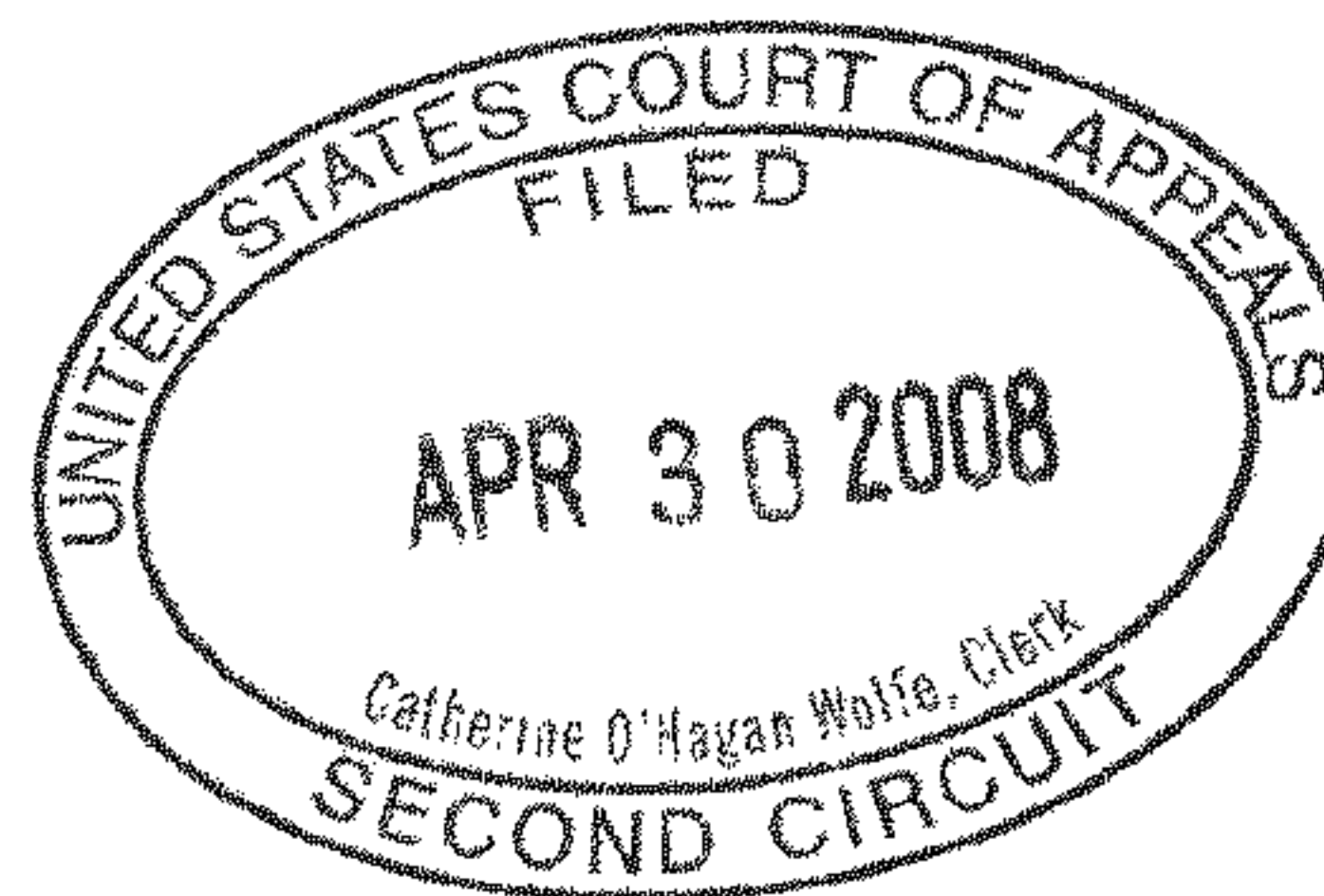
S.D.N.Y.-N.Y.C.
07-cv-3003
Wood, C.J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 30th day of April, two thousand eight,

Present:

Hon. Ralph K. Winter,
Hon. Peter W. Hall,
Circuit Judges,
Hon. Mark R. Kravitz,*
District Judge.



Diego Mas Marques Jr.,

Petitioner,


v.

08-0726-op

Bureau of Prisons, United States Attorney General,

Respondents.

Petitioner, *pro se*, applies for leave to file a second or successive 28 U.S.C. § 2255 motion. Upon due consideration, it is ORDERED that the application is DENIED as unnecessary because Petitioner's challenge to his sentence is not encompassed by § 2255(h). It is FURTHER ORDERED that the Clerk's Office process this matter as an appeal under 18 U.S.C. § 4106A. Any issues related to the finality of the order challenged by the Petitioner and the timeliness of Petitioner's appeal should be addressed in the parties' briefs or in a motion, accompanied by all of the relevant documents.

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk
by  DEPUTY CLERK

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

By: 

*The Honorable Mark R. Kravitz, of the United States District Court for the District of Connecticut, sitting by designation.

Certified:

APR 30 2008

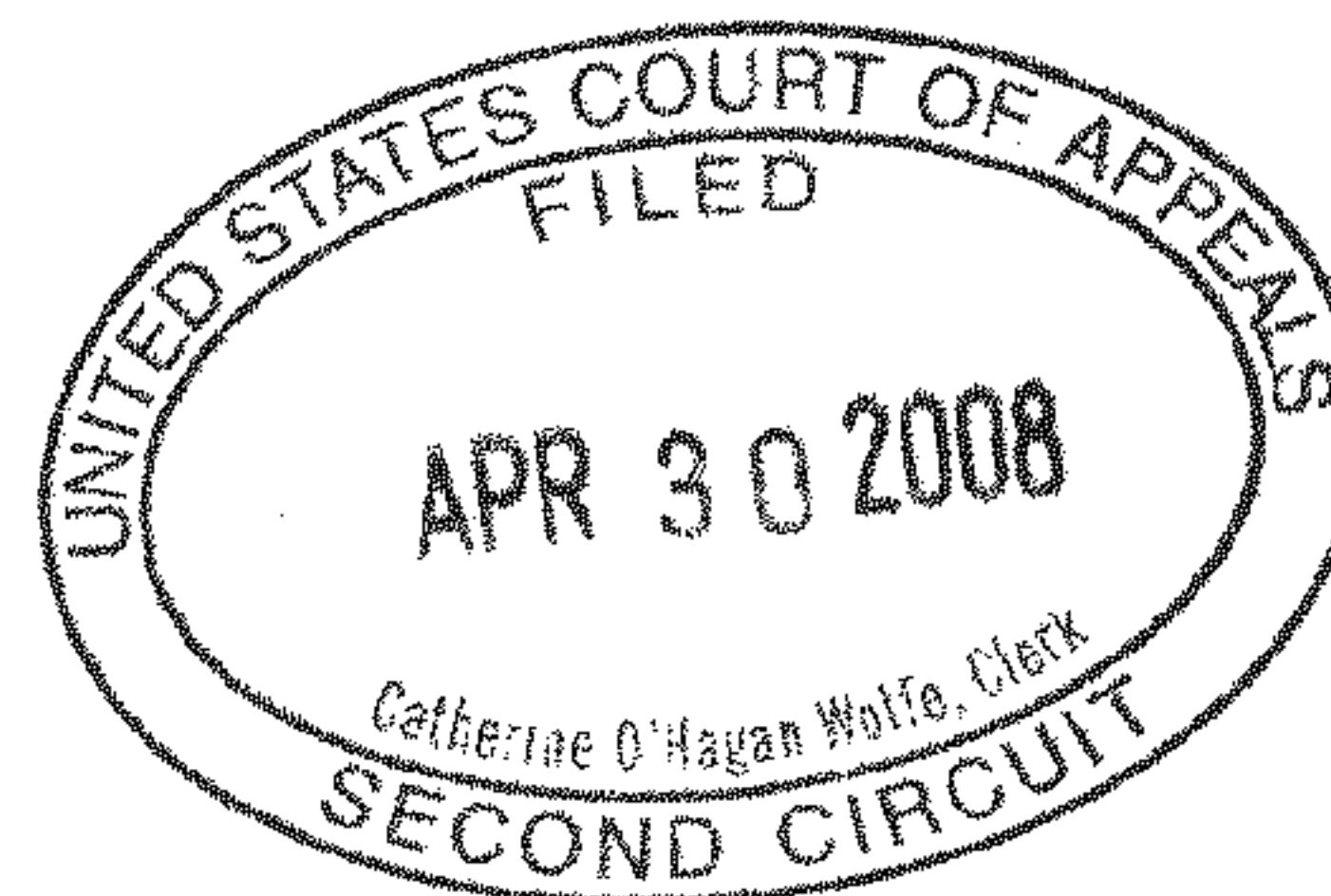
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THE CERTIFIED ☒ ORDER ☐ NOTICE
☐ STATEMENT OF COSTS
HAS BEEN RECEIVED BY _____
DATE: _____

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

By: _____

*The Honorable Mark R. Kravitz, of the United States District Court for the District of Connecticut, sitting by designation.